

April 26, 2018

Omar Ashmawy
Chief Counsel and Staff Director
Office of Congressional Ethics
U.S. House of Representatives
P.O. Box 895
Washington, D.C. 20515

Re: Request for Investigation of Representative Jim Renacci (R-OH)

Dear Mr. Ashmawy:

I respectfully request that the Office of Congressional Ethics (“OCE”) immediately launch an investigation into Representative Jim Renacci’s apparent misuse of official resources for political purposes. In direct violation of federal law and the Rules of the House of Representatives (the “House Rules”), Representative Renacci appears to have (1) used his official house.gov website to promote his now-defunct gubernatorial candidacy; (2) tweeted extensively about his campaign using his official House Twitter account; (3) shared a picture of him at a congressional hearing on his campaign Facebook page; and (4) tweeted a picture on his campaign Twitter account of him engaging in campaign activity in his congressional office. Accordingly, I respectfully request that the OCE investigate these claims and take appropriate remedial action against Representative Renacci.

Factual Background

Representative Renacci is in his fourth term as the Representative for Ohio’s 16th Congressional District. On March 20, 2017, Representative Renacci became a candidate for Governor of Ohio.¹ He later dropped out of the Governor’s race, and on February 27, 2018, registered as a candidate for the United States Senate with the Federal Election Commission.² Representative Renacci has used his official website and official-third party accounts to promote both of his candidacies in the following manner:

1. On September 8, 2017, Representative Renacci posted to his congressional website an editorial article that he wrote that same day for the Toledo Blade in which he discusses

¹ Ohio Sec’y of State, Committee Information, Renacci for Ohio, https://www6.sos.state.oh.us/ords/f?p=CFDISCLOSURE:44::NO::P44_RP_ID,P44_LISTTYPE:303839791,simple (Mar. 20, 2017).

² FEC Form 2, Statement of Candidacy, James B. Renacci, <http://docquery.fec.gov/pdf/921/201802270200172921/201802270200172921.pdf> (Feb. 27, 2018); *see also* Seth A. Richardson, “Jim Renacci drops out of the Ohio Governor’s Race to Run for Senate”, Cleveland.com, http://www.cleveland.com/open/index.ssf/2018/01/jim_renacci_drops_out_of_the_o.html (Jan. 11, 2018).

the official acts he would take “if elected as Ohio’s next governor” and that he would be proud to work on immigration policy as “Ohio’s next governor.”³

2. Five short days later, Representative Renacci posted to his congressional website an editorial article that he wrote that same day for The Hill about how he would combat the opioid crisis as Ohio’s next governor, stating “[as] governor, I would take feedback from each community” and “[a]s governor, I will work closely with the Ohio General Assembly.”⁴
3. On January 12, 2018, Representative Renacci’s official Twitter page twice advertised an upcoming interview with Fox News to talk about his decision to run for Senate and “the support [he has] received from @realDonaldTrump.”⁵ He then shared the video of the Fox News interview to his official Twitter page in which he extensively discusses his candidacy for U.S. Senate and his opponent, current Senator Sherrod Brown.⁶ On the Twitter account that this response was sent from, the biography section makes clear that the account is run by Representative Renacci’s official office: it states “Congressman, 16th District of Ohio”, and includes a link to his official website, “renacci.house.gov.”⁷
4. Also on January 12, 2018, Representative Renacci posted to the same official Twitter account a call for the public to listen to interviews on four different radio shows where he would be a guest and in which he discussed his Senate candidacy and the encouragement he had received from the White House.⁸

³ Official U.S. House of Representatives page of Jim Renacci, <https://renacci.house.gov/index.cfm/ops?ID=9C61F680-4B26-4AF2-9763-49936EBE2AAA> (sharing opinion article written by Jim Renacci, *Sanctuary Cities Threaten the Safety of U.S. Citizens*, TOLEDO BLADE, Sept. 8, 2017).

⁴ Official U.S. House of Representatives page of Jim Renacci, <https://renacci.house.gov/index.cfm/ops?ID=AC6897CB-DEA5-4E26-91CE-36A420708D82>, (sharing opinion article by Jim Renacci, *Proactive Leadership is Needed to Fight Epidemic*, The Hill) (Sept. 13, 2017).

⁵ Rep. Jim Renacci (@RepJimRenacci), TWITTER, (Jan. 12, 2018, 3:13 AM & 3:45 AM), <https://twitter.com/RepJimRenacci/status/951774043702792192> & <https://twitter.com/RepJimRenacci/status/951782066483531776>.

⁶ Rep. Jim Renacci (@RepJimRenacci), TWITTER (JAN. 12, 2018) (sharing video post from Fox & Friends, TWITTER, (Jan. 12, 2018, 3:53 AM), <https://twitter.com/foxandfriends/status/951784104600702977>).

⁷ Rep. Jim Renacci (@RepJimRenacci), TWITTER, <https://twitter.com/RepJimRenacci>.

⁸ See Rep. Jim Renacci (@RepJimRenacci), TWITTER:

- (Jan. 12, 2018, 2:55 AM), <https://twitter.com/RepJimRenacci/status/951769475069616128> (advertising his appearance on the radio station 55 KRC’s Brian Thomas Morning Show in which Representative Renacci discussed his support from the President);
- (Jan. 12, 2018, 4:03 AM); <https://twitter.com/RepJimRenacci/status/951786794076471296> (advertising his appearance on radio station 1480 WHBC in which he discussed his decision to run for Senate instead of a run for Governor);
- (Jan. 12, 2018, 6:01 AM) <https://twitter.com/RepJimRenacci/status/951816283158233090> (advertising his appearance on radio station 570 WKBN in which he discussed White House support for his Senate candidacy); and
- (Jan. 12, 2018, 9:30AM) <https://twitter.com/RepJimRenacci/status/95186888706252800> (advertising his appearance on 1590 WAKR in which he described his meeting with the White House and his decision to run for Senate instead of Governor).

5. Representative Renacci has continued to use his official Twitter account to attack his opponent, Senator Brown. For example, on March 19, 2018, Representative Renacci tweeted “It’s funny that Sen Brown, who is the ranking member on Senate banking didn’t support the package that passed 67 to 31, the @washingtonpost was quoted saying ‘it’s a rare occurrence of old-fashioned legislating on a bipartisan bill that nevertheless sharply divided Democrats.’”⁹

Additionally, on February 6, 2018, Representative Renacci posted to his campaign Facebook page a now-deleted picture of Representative Renacci in a House Ways and Means Committee hearing on opioid abuse.¹⁰ On the Facebook page where the picture was posted, the background image contains the words “Renacci for Senate.”¹¹

Lastly, on March 13, 2018, Representative Renacci sent a picture from his campaign’s Twitter account taken in his congressional office about Ohio voters voting in the upcoming primary and general elections.¹² Both in a local television news article and in a tweet sent out from Representative Renacci’s official Twitter account about constituent visits to his D.C. congressional office, the same bookcase can be seen in the background as is present in the picture tweeted by his campaign Twitter account.¹³

Legal Analysis

Both federal law and House Rules clearly prohibit Members of Congress from using official resources for campaign or political purposes. The laws and rules that prohibit the use of official resources for campaign purposes reflect “the basic principle that government funds should not be spent to help incumbents gain reelection.”¹⁴

To start, federal law provides that official funds are to be used only for the purposes for which appropriated, which does not include campaign purposes.¹⁵ More specifically, the House Administration’s Handbook for Members of Congress (“Members’ Handbook”) explicitly states that “[t]he content of a Member’s Website . . . [m]ay not include personal (outside of incidental

⁹ Rep. Jim Renacci (@RepJimRenacci), TWITTER, (March 19, 2018, 10:19 AM), <https://twitter.com/RepJimRenacci/status/975783933504835584>

¹⁰ Jim Renacci, FACEBOOK, (Feb. 6, 2018), <https://www.facebook.com/JimRenacci/> (link to image no longer available).

¹¹ Jim Renacci, FACEBOOK, <https://www.facebook.com/JimRenacci/>.

¹² Jim Renacci (@JimRenacci), TWITTER, (where the biography section states “Candidate for Senate”), (Mar. 13, 2018, 12:39 PM), <https://twitter.com/JimRenacci/status/973644688333983745>.

¹³ See *Local Teacher Watches Trump Address with Rep. Jim Renacci*, WKYC3, Feb. 28, 2017, <http://www.wkyc.com/article/news/local-teacher-watches-trump-address-with-rep-jim-renacci/416424399>; see also Rep. Jim Renacci (@RepJimRenacci), TWITTER, (Sept. 14, 2017, 11:09 AM), <https://twitter.com/RepJimRenacci/status/908392323503017984>.

¹⁴ *Common Cause v. Bolger*, 574 F. Supp. 672, 683 (D.D.C. 1982), *aff’d*, 461 U.S. 911 (1983).

¹⁵ 31 U.S.C. § 1301(a).

references), political party (except for political party affiliations), or *campaign information*.”¹⁶ The House Ethics Manual also explicitly incorporates this restriction.¹⁷

The Members’ Handbook also makes clear that the same rules apply to social media accounts run by the official office, noting that:

In addition to their official HOUSE.GOV website, a Member may establish profiles, pages, channels or any similar presence on third-party sites that allow individuals or organizations to offer information about themselves to the public (Social Media Accounts). Member-controlled content on Social Media Accounts is subject to the same requirements as content on Member websites.¹⁸

Accordingly, Representative Renacci’s use of his official website to promote his now-defunct gubernatorial campaign violated federal law and House Rules. Additionally, Representative Renacci’s official House Twitter account is subject to the same rules and restrictions as his official house.gov website: he cannot use it to promote his bid for office, or discuss his campaign in any way. The rampant use of his official Twitter account to discuss his bid for Senate is a clear violation of House Rules. It impermissibly links Representative Renacci’s candidacy for United States Senate with his duties to the people of Ohio’s 16th Congressional District as their representative in the House. It is for these very reasons that both federal law and House Rules explicitly regulate the use of official social media accounts to ensure that they are not used for campaign purposes.

Furthermore, the rules are clear that a Member of Congress cannot engage in any campaign activity in their official offices:

The House buildings, and House rooms and offices – including district offices – are supported with official funds and hence are considered official resources. Accordingly, as a general rule, they may not be used for the conduct of campaign or political activities. Thus, for example, a Member may not film a campaign commercial or have campaign photos taken in a congressional office.¹⁹

Representative Renacci’s post to his campaign Twitter account of a photo taken in his congressional office violates these rules and continues the pattern of activity he has established to impermissibly blend his duties as a Congressman with his campaign activity.

¹⁶ The Committee on House Administration, Members’ Congressional Handbook, <https://cha.house.gov/handbooks/members-congressional-handbook#Members-Handbook-Comms-Websites-Content> (last visited Jan. 2, 2018) (emphasis added).

¹⁷ Committee on Standards of Official Conduct, U.S. House of Representatives, House Ethics Manual (2008) (“House Manual”), at 131 (“Under rules issued by the Committee on House Administration set forth in the Members’ Handbook and the Committees’ Handbook, Member and Committee websites – May **not** include personal, political, or campaign information”) (emphasis in original).

¹⁸ The Committee on House Administration, Members’ Congressional Handbook, <https://cha.house.gov/handbooks/members-congressional-handbook> (last visited Mar. 29, 2018).

¹⁹ House Manual at 127.

Finally, House Rules prohibit the use of any coverage of House committee proceedings for partisan political campaign material to promote or oppose the candidacy of any person for public office.²⁰ Representative Renacci violated this rule when he shared a picture of himself at a congressional hearing on his campaign Facebook page as part of the promotion of his Senate candidacy.

Representative Renacci's activity across his official website and official and campaign social media accounts appear to be flagrant violations of the law and demonstrate a complete disregard for House Rules. The House specifically created a Code of Official Conduct to ensure that Members "behave . . . in a manner that . . . reflect[s] creditably on the House," and to protect "the House collectively, its safety, dignity, and the integrity of its proceedings; and . . . the rights, reputation, and conduct of Members individually, in their representative capacity."²¹ By using official House resources for political purposes, especially to promote his candidacy for the United States Senate, Representative Renacci is undermining the credibility and dignity of the House. The misuse of government resources, even if deemed to be in small amounts, can snowball into the public's lack of faith in elected public servants, who must both ensure the public trust while in office and campaign fairly in compliance with the law. The OCE should immediately launch an investigation into Representative Renacci's use of official resources for campaign purposes not only to resolve these particular issues but also to prevent any additional misuse in the future.

I understand that 18 U.S.C. § 1001 applies to the information I am providing. To the best of my knowledge and ability, all evidence submitted was not obtained in violation of any law, rule or regulation.

Sincerely,

David Pepper
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340 E. Fulton St.
Columbus OH, 43215
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²⁰ Rules of the House of Representatives Rule XI cl. 4(b); *see also* House Manual at 128.

²¹ Official Code of Conduct (currently codified at Rules of the House of Representatives Rule IX cl. 1 & Rule XXIII cl. 1).